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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,153	03/12/2004	Hisayuki Watanabe	9333/370	6782

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EXAMINER

TAKELE, MESEKER

ART UNIT	PAPER NUMBER
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2174

MAIL DATE	DELIVERY MODE
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07/25/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/800,153

Applicant(s)

WATANABE, HISAYUKI

Examiner

Meseker Takele

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. This communication is responsive to the Amendment filed 05/01/07.
2. Claims 1 - 20 are pending in this application. Claims 1, 7 and 18 are independent claims. In the instant Amendment, claims 1, 3, 7, and 18 were amended. This action is made Final.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

DETAILED ACTION

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kortum (US Pub NO.: 2003/0079028) in view of Ramaswamy (US Patent NO.: 6,423,892).

As to claim 1, Kortum disclose a terminal comprising: a menu screen obtaining unit for obtaining a menu screen including link information (example, link, see figure 4); a connection status checking unit for checking the connection status of a linked server specified by each piece of the link information included within the menu screen (example, menu, see page 3, paragraph [0045] line, 5 and example, screen, figure 1), and a menu screen display processing unit for displaying the connection status of the linked

server checked by the connection status checking unit on the menu screen (see page 3, paragraph [0047], lines, 9-14 and Figure 5).

However Kortum does not disclose connection status indicating whether the linked server is wirelessly accessible or not from a present location of the terminal.

Ramaswamy from the same field of endeavor disclose, the connection status indicating whether the linked server is wirelessly accessible or not from a present location of the terminal (see abstract and Figure 1 element 14)).

It would have been obvious to one of ordinary skilled in the art to have modified Kortum's connection status checking unit with wireless application protocol network as presented by Ramaswamy. The motivation to combine to provide a wireless application protocol network in data communication with the Internet a wireless MP3 player having circuitry for establishing data communications with the wireless application protocol network and a display for displaying information generated by the music server.

As to claim 2, Kortum disclose, wherein a process of checking the connection status by the connection status-checking unit is performed in parallel with a display process by the menu screen display-processing unit (see figure 1).

6. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kortum (US Pub NO.: 2003/0079028) in view of Ramaswamy (US Patent NO.: 6,423,892) and in further view of Nakano et al. (US Patent No.: 6,636,802).

As to claim 3, Kortum disclose, wherein a discrimination mark differs depending upon a level of the connection status and is associated with the corresponding piece of the link information (example, status indicator, different color lights, see page 4, left column [0051], lines, 1-23).

However Kortum does not disclose the level of the connection status indicating the strength of radio waves received by the terminal associated with the linked server.

Nakano from the same field of endeavor disclose the level of the connection status indicating the strength of radio waves received by the terminal associated with the linked server (see column, 11 lines, 40-41).

It would have been obvious to one of ordinary skill in the art to have modified Kortum's level of connection with radio waves as presented by Nakano. The motivation to combine to provide a route guide information-distributing system capable of current position detection.

As to claim 4, the modified Kortum disclose, wherein a color according to a level of the connection status is applied to the corresponding piece of the link information or a portion related thereto (example, connection health indicator is color, see page 4, right column [0068], lines 1-5).

As to claim 5, the modified Kortum disclose, wherein the menu screen display processing unit does not display a piece of the link information corresponding to an inaccessible server (example, disconnected or unavailable, see page 3, paragraph [0047], [0049] and Figure 1).

As to claim 6, the modified Kortum discloses connection status checking unit (see paragraph [0045] and Figure 1).

However Kortum does not disclose, wherein the terminal is mounted upon a vehicle and the connection status checking unit checks the connection status of the linked server while the vehicle is stopped.

Nakano from the same field of endeavor disclose, wherein the terminal is mounted upon a vehicle (example, vehicle mounted terminal, column 2, lines 4-5) and the connection status checking unit checks the connection status of the linked server while the vehicle is stopped (example, position detector, see column 11, lines, 33; fixed-type terminals, not only to movable terminals, types of road, see column 1, line, 51, and column, 16, line, 42-49).

It would have been obvious to one of ordinary skilled in the art to have modified Kortum's connection status checking unit with terminal mounted upon a vehicle as presented by Nakano. The motivation to combine to provide a route guide information-distributing system enabling an information center to sufficiently collect information about a path traveled.

7. Claims 7-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kortum (US Pub NO.: 2003/0079028) in view of Ramaswamy (US Patent NO.: 6,423,892) and in further view of Nakano et al. (US Patent No.: 6,636,802).

As to claim 7, Kortum disclose, a menu screen obtaining unit for obtaining a menu screen including link information (example, link, see figure 4) a connection status checking unit for checking the connection status of a linked server (example, status indicator, see page 3, left column, [0046] lines, 7-8 and figure 1) specified by each piece of the link information, included within the menu screen when the connection status changes (see figure 3 and 4).

a menu screen display-processing unit for displaying the connection status of the linked server checked by the connection status-checking unit on the menu screen (example, menu, see page 3, left column [0045] line, 5 and example, screen, figure 1).

However Kortum does not disclose connection status indicating whether the linked server is wirelessly accessible or not from a present location of the terminal.

Ramaswamy from the same field of endeavor disclose, the connection status indicating whether the linked server is wirelessly accessible or not from a present location of the terminal (see abstract and Figure 1 element 14)).

It would have been obvious to one of ordinary skilled in the art to have modified Kortum's connection status checking unit with wireless application protocol network as presented by Ramaswamy. The motivation to combine to provide a wireless application protocol network in data communication with the Internet a wireless MP3 player having circuitry for establishing data communications with the wireless application protocol network and a display for displaying information generated by the music server

The modified Kortum further does not disclose, wherein the terminal is mounted upon a vehicle.

Nakano from the same field of endeavor disclose, wherein the terminal is mounted upon a vehicle (example, vehicle mounted terminal, column 2, lines 4-5).

It would have been obvious to one of ordinary skilled in the art to have modified Kortum's connection status checking unit with terminal mounted upon a vehicle as presented by Nakano. The motivation to combine involves getting various information on a real time basis from movable or fixed type terminals.

As to claim 8, the modified Kortum does not disclose wherein the connection status of the linked server changes when the speed of the vehicle changes and crosses a predetermined value.

Nakano from the same field of endeavor disclose wherein the connection status of the linked server changes when the speed of the vehicle changes and crosses a predetermined value (example, speed sensor, see column, 17 lines, 62-67).

It would have been obvious to one of ordinary skilled in the art to have modified Kortum's connection status checking unit with speed sensor as presented by Nakano. The motivation to combine involves getting various information on a real time basis from movable or fixed type terminals.

As to claim 9, the modified Kortum does not disclose a communication processing unit for receiving information transmitted from the linked server through radio waves, wherein the connection status of the linked server changes when the electric field strength of received radio waves in the communication processing unit changes and crosses a predetermined reference value.

Nakano from the same field of endeavor disclose a communication processing unit for receiving information transmitted from the linked server through radio waves, wherein the connection status of the linked server changes when the electric field strength of received radio waves in the communication processing unit changes and crosses a predetermined reference value (example, digital broadcast technologies, radio waves, see column, 2 lines, 11-12 and column, 11 line, 41).

It would have been obvious to one of ordinary skill in the art to have modified Kortum's connection status with radio waves as presented by Nakano. The motivation to combine to provide a route guide information-distributing system capable of current position detection.

As to claim 10, the modified Kortum discloses, further comprising a communication medium determining unit for determining the change of the communication medium, wherein the connection status of the linked server changes when the communication medium determined by the communication medium determining unit changes (page 3, right column [0047], lines 1-150).

As to claim 11, the modified Kortum does not disclose a geographic condition determining unit for determining geographic conditions of a driving location of the vehicle upon which the terminal is mounted, wherein the connection status of the linked server changes when the geographic conditions determined by the geographic condition determining unit change.

Nakano from the same field of endeavor disclose a geographic condition determining unit for determining geographic conditions of a driving location of the vehicle upon which the terminal is mounted, wherein the connection status of the linked server changes when the geographic conditions determined by the geographic condition determining unit change (see column, 17 lines, 62-67 and column, 18 lines, 1-13).

It would have been obvious to one of ordinary skill in the art to have modified Kortum's connection status with global positioning system as presented by Nakano. The motivation to combine to provide a route guide information-distributing system capable of current position detection.

As to claim 12, the modified Kortum does not disclose a road determining unit for determining the type of road on which the vehicle is running, wherein the connection status of the linked server changes when the type of road determined by the road determining unit changes.

Nakano from the same field of endeavor disclose a road determining unit for determining the type of road on which the vehicle is running, wherein the connection status of the linked server changes when the type of road determined by the road determining unit changes (example, roads by type, see column 29, lines 50-60).

It would have been obvious to one of ordinary skill in the art to have modified Kortum's connection status with roads by type as presented by Nakano.

The motivation to combine to provide a route guide information-distributing system enabling an information center to sufficiently collect information about a path traveled.

As to claim 13, the modified Kortum does not disclose a communication status determining unit for determining communication status and a communication status history storing unit for storing the history of the determined communication status, wherein the connection status of the linked server changes when the past communication status corresponding to the driving location of the vehicle is determined to be unfavorable based upon the communication status history stored within the communication status history storing unit.

Nakano from the same field of endeavor disclose, a communication status determining unit for determining communication status and a communication status history storing unit for storing the history of the determined communication status, wherein the connection status of the linked server changes when the past communication status corresponding to the driving location of the vehicle is determined to be unfavorable based upon the communication status history stored within the communication status history storing unit (example, storage medium, see column 1, lines, 16-28 and Figure 1).

It would have been obvious to one of ordinary skill in the art to have modified Kortum's connection status with storage medium as presented by Nakano.

The motivation to combine to provide reading cartographic files from an internal storage device in which the cartographic files are stored as digital data generated about individual units defined by dividing a map into a plurality of regions.

As to claim 14, the modified Kortum disclose, wherein the menu screen has a displayed area larger than a display, and the connection status checking unit checks the connection status of each piece of the link information included within the entire menu screen which can be selectively displayed in the display by scrolling or page change (example, 208(scroll bar), see Figure 8).

As to claim 15, the modified Kortum disclose, further comprising a function of a computer, which can be connected to the Internet, wherein the menu screen obtaining unit receives the menu screen through the Internet (example, internet connection, see page 2, paragraph [0032] line, 5).

As to claim 16, the modified Kortum disclose, wherein information transmitted from the linked server includes music data (example, music, see abstract and Figure 8).

As to claim 17, the modified Kortum does not disclose a function of a receiver for receiving information distributed from a broadcast station, wherein the menu screen-obtaining unit retrieves the menu screen stored within a storage device incorporated in the receiver.

Nakano from the same field of endeavor disclose, a function of a receiver for receiving information distributed from a broadcast station, wherein the menu screen

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obtaining unit retrieves the menu screen stored within a storage device incorporated in the receiver (example, broadcast technologies, see column, 2 lines, 10-35).

It would have been obvious to one of ordinary skill in the art to have modified Kortum's connection status with broadcast technologies as presented by Nakano. The motivation to combine involves getting various information on a real time basis from movable or fixed type terminals.

8. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kortum (US Pub NO.: 2003/0079028) in view of Ramaswamy (US Patent NO.: 6,423,892).

As to claim 18, Kortum disclose, method for displaying a menu screen, comprising: displaying a menu screen including link information; checking the connection status of a linked server specified by each piece of the link information included within the menu screen and reflecting on the menu screen the checked connection status (example, link, connection, status, menu screen, see Figure 4).

However Kortum does not disclose the connection status indicating whether the radio waves associated with the linked server are wirelessly accessible or not.

Ramaswamy from the same field of endeavor disclose, the connection status indicating whether the radio waves associated with the linked server are wirelessly accessible or not (see abstract and Figure 1 element 14)).

It would have been obvious to one of ordinary skilled in the art to have modified Kortum's connection status checking unit with radio frequency communication devices as presented by Ramaswamy. The motivation to combine to provide a wireless application protocol network in data communication with the Internet a wireless MP3

player having circuitry for establishing data communications with the wireless application protocol network and a display for displaying information generated by the music server.

As to claim 19, the modified Kortum disclose, wherein Any inquiry concerning this communication or earlier communications from the examiner should be directed to checking the connection status of the linked server is performed when the connection status of the linked server changes (see page 4, paragraph [0056] line, 1-22 and Figure 3).

As to claim 20, the modified Kortum disclose, wherein information transmitted from the linked server includes music data (see page 3, paragraph [0050] line, 11 and Figure 2).

Response to Arguments

9. Applicant's arguments with respect to the amended claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meseker Takele whose telephone number is (571) 270-1653. The examiner can normally be reached on Monday - Friday 7:30AM- 5:00PM est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MT

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